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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.503 OF 2007

Mujibur Rehaman Haji Israr Alam Siddiqui — Appellant

verss

Neelkamal Realtors Builders Pvt.Ltd. and others — Respondents

CORAM : A.S.OKA, J.

DATE : 29th June 2007

PC :

1. Heard learned advocates for the parties. By the impugned order dated 11th June 2007, the learned Trial Judge has declined to grant ad-interim relief on the ground that the relief sought was of a mandatory nature.

2. It is true that the ad-interim relief could not have been denied because it was of a mandatory nature. However, as pointed out by the advocate for the appellant, the Municipal Corporation should be impleaded as a party as the prayer relates to the drainage system.

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3. Interests of justice will be served if the Trial Court is directed to decide the Notice of Motion expeditiously. Hence, the Appeal from Order is disposed of by following order :-

a) The Trial Court will permit the appellant to implead Municipal Corporation of Greater Bombay as a party and to carry out consequential amendment to the plaint;

b) The Notice of Motion shall be disposed of by the Trial Court as expeditiously as possible and preferably on or before 31st July 2007;

c) All contentions of the parties on merits of the present Notice of Motion are kept open;

d) Appeal is disposed of in the above terms. No order as to costs;

e) Civil application No.693 of 2007 does not survive in view of disposal of appeal.

(A.S.OKA, J.)